

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JEANIE STEIN, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

LEE STEIN,

Respondent-Appellant,

and

BETTY YOUNG,

Respondent.

UNPUBLISHED

June 15, 2006

No. 264924

Kent Circuit Court

Family Division

LC No. 04-052777-NA

Before: Kelly, P.J., and Markey and Meter, JJ.

MEMORANDUM.

Respondent-appellant appeals by right from the trial court order terminating his parental rights under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm. We decide this matter without oral argument because the briefs and record adequately present the facts and legal arguments and this Court's deliberation would not be significantly aided by oral argument. MCR 7.214(E).

The trial court did not clearly err in finding that statutory grounds for termination had been established by clear and convincing evidence. MCR 3.977(J). The conditions of adjudication that continued to exist at the time of termination were respondent-appellant's lack of parenting skills and emotional instability. Both foster care workers and the instructor of his parenting skills class testified that respondent-appellant made little progress improving his of parenting skills. Respondent-appellant continued to seek treatment for his mental illness, but there was testimony that he did not consistently take his medication, and that he was very emotional, tearful, and mildly suicidal. This emotional instability continued throughout the pendency of the case. Although respondent-appellant argues that a "reasonable time" should be longer for him because his intellectual functioning is borderline, the statute specifies that the "reasonable time" should be considered in light of the child's age. Here, Jeanie was removed from respondent-appellant's home at age 2½. A year later, respondent-appellant had made little to no progress with no indication of future progress. The psychologist who performed the

psychological evaluation testified that respondent-appellant's diagnoses of borderline intellectual functioning and depression did not in themselves prevent him from parenting Jeanie. But respondent-appellant did not improve his parenting skills through a parent-nurturing class, and he was not able to consistently take his psychotropic medication during the pendency of this case.

The trial court also did not clearly err in its best interests determination. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). At three years old, Jeanie had already been out of her home for a year. She needed a stable home environment for her physical and mental health. Respondent-appellant was not able to provide that for Jeanie and would not be able to do so within a reasonable time. While respondent-appellant and Jeanie may have had a strong bond before Jeanie was removed from his home, that bond had diminished in time as exhibited by respondent-appellant's inability to initiate interaction with Jeanie.

We affirm.

/s/ Kirsten Frank Kelly

/s/ Jane E. Markey

/s/ Patrick M. Meter